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CLERK U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
CANTONUNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:) CHAPTER 7
TARISA MEYER,)
Debtor.) CASE NO. 07-62775
) JUDGE RUSS KENDIG
)
)
)
) MEMORANDUM OF OPINION ON
) MOTION TO WAIVE FEES (NOT
) INTENDED FOR PUBLICATION

This matter comes before the Court upon Debtor's Motion to Waive Fees to Reopen Case, filed with the Court on January 18, 2008. No responses or objections were filed.

This opinion is not intended for publication or citation. The availability of this opinion, in electronic or printed form, is not the result of a direct submission by the Court.

The Court closed this case without granting a discharge on January 10, 2008, because Debtor failed to file timely a Financial Management Course Certificate proving compliance with the instructional course requirement for discharge under 11 U.S.C. § 727(a)(11). Debtor states in her motion that she actually completed the instructional course requirement on October 31, 2007, and that the financial education provider, Springboard Nonprofit Consumer Management, Inc., forwarded the certificate of completion to an incorrect fax number.

Accepting all of these facts as true, they still do not amount to grounds for granting a waiver of the fees to reopen a case. First, the duty is upon the debtor, not upon a financial management course provider, to obtain the certificate of completion and file it with the court. Fed R. Bankr. P. 1007(b)(3). In addition, Debtor had the opportunity, at any time during the time the case was open, to move for an extension of time to file the certificate. A debtor cannot successfully move to waive the fees to reopen a case when it was closed due to that debtor's own failure to perform a legal duty.

An order consistent with this opinion shall be entered concurrently.

/s/ Russ Kendig

RUSS KENDIG
U.S. BANKRUPTCY JUDGE

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